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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:

The Use of N11 Codes and Other  
Abbreviated Dialing Arrangements

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CC Docket No. 92-105

COMMENTS  
OF THE  
UNITED STATES TELEPHONE ASSOCIATION

June 5, 1992

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### SUMMARY

The abbreviated dialing proposal in the NPRM neither inherently promotes the public interest nor does it inherently disserve the public interest. It is the conditions that surround any abbreviated dialing plan that determine its benefit or harm. The rule proposed by the NPRM is not in the public interest because it does not achieve the best balance of the many factors that must be taken into account. It is not clear that a rule is even necessary to permit exchange carriers to provide an abbreviated dialing capability using N11 codes if it is limited to utilization in their local service area and has no external public interest impact.

The Commission must be able to assure that any action here will not pose any risk that the American consumer will assume unnecessary costs, by picking up the costs of N11 users, or by being forced to shoulder any network limitations or inefficiencies that may result from an ill-targeted decision.

USTA opposes a rule that mandates that all exchange carriers provide N11 codes for use by customers, for a number of reasons. There is a need for North American Numbering Plan (NANP) stability and continuing customer comfort with dialing conventions. The N11 code option presents fewer technical hurdles than other options for abbreviated dialing, but significant hurdles still exist with it, even for local use.

Many other exchange carrier already use N11 codes in operating their networks and customers benefit from that use. Many other exchange carriers' switches are incapable of the N11 use contemplated by the NPRM. Changes and modifications would be required to implement the rule as proposed, beyond the switch itself. Answers to some significant questions are not provided by the NPRM.

For exchange carriers, the questions that must be resolved relate to such things as: long term numbering assumptions, the burden and cost of any change, the continuation of service and service quality-affecting arrangements now in place, and the concern that the actual and potential benefits of the N11 code structure not be preempted by users whose interest is solely private. These users may be unwilling in the future to give up the peculiar advantages of an N11 code or to promote the availability of a wide range of competitive information services or other publicly beneficial services over exchange carrier networks.

Any rule that is adopted should permit, but not mandate, N11 code use. Other conditions that would limit public interest risk must accompany any rule. Small or non-ONA exchange carriers should not be covered by a rule. Numbers should not be "owned" by users. The Commission must allow wide latitude for recall or transfer of numbers by it, by the NANP Administrator or by a

carrier on whose network a number is used, since NANP concerns are not the only concerns that must be taken into account. (Procedures are in place in most states to guard against arbitrary or discriminatory action.) Finally, exchange carriers must have assurance that all costs will be able to be recovered in an economic manner, and that they will be able to continue to offer efficient and recognizable means of connection for their customers. It is up to the Commission to assure that, if it must change any decision or readdress any issue in the future, it will not be confronted with effectively-irreversible problems of its own making.

The Commission should take cognizance of the presence of more than 16 million numbers already dedicated to information provider use. It also should recognize that other carriers, too, such as teleports and cellular carriers, use N11 codes for the same service-related purposes as exchange carriers. Private uses of N11 codes in this context should not be preferred to or displace existing uses.

USTA also responds to most of the specific questions raised by the NPRM.

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The United States Telephone Association (USTA) respectfully submits these comments on the Commission's Notice of Proposed Rulemaking (NPRM) in this proceeding, released May 6, 1992. The NPRM initiated this proceeding and asked for comment on proposed changes to the Commission's rules that would require local exchange carriers to provide certain abbreviated dialing arrangements using N11 service codes.<sup>1</sup>

I. BACKGROUND OF THE NPRM.

The Commission acknowledges that this NPRM results from a petition filed by BellSouth Corporation on March 6, 1992. BellSouth asked the Commission to find that assignment of a limited number of N11 service codes to information service providers, on a local basis, recallable on certain conditions, was not contrary to the Communications Act. On March 27, 1992, USTA sent a letter to the chairman of the Commission regarding the BellSouth petition, requesting that the Commission provide an opportunity for public comment, so that the Commission would be

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<sup>1</sup> NPRM at ¶1.

fully informed regarding the issues surrounding numbering, and so that interested parties could provide information they believed relevant to the resolution of the issue presented by the BellSouth petition.<sup>2</sup> USTA was particularly concerned that the Commission not accept a significant cost risk on behalf of the public by hasty action that may prove to be effectively irreversible. The Commission permitted BellSouth to take certain actions subject to this NPRM, and determined that it was most appropriate to address the broad questions surrounding assignment of N11 codes for information service customer uses in a rulemaking.<sup>3</sup>

USTA is grateful that the Commission was responsive to the requests by a number of parties for public comment. The NPRM itself confirms why public comment on this issue is critical. The issues raised in the NPRM pose important public interest questions, and make tentative proposals that are not all capable of being accommodated by exchange carriers. At present, these proposals exist without a basis in the record. To the extent that the Commission determines to adopt a rule, it must first build a record that objectively reflects the capabilities of exchange carrier networks and addresses the issues in a way that best serves the public interest.

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<sup>2</sup> A copy of USTA's letter is attached to these comments for the record in this proceeding.

<sup>3</sup> NPRM at ¶3 and note 1.



The Commission will find in these comments that USTA is not opposed to abbreviated dialing arrangements using N11 codes per se. Nor can USTA endorse the Commission's proposal. The position of USTA is that such arrangements must be carefully examined so that they balance a number of important considerations in a way that removes all unnecessary public cost and risk. At this time USTA does not support any option that would permit new use of N11 codes for anything other than carefully defined local purposes, a condition that is essential in light of current public interest concerns. A properly-conditioned, responsible alternative for local abbreviated dialing using N11 codes can serve the public interest. An ill-considered option may serve private interests, but in doing so will defeat the public interest.

**II. N11-TYPE ABBREVIATED DIALING ARRANGEMENTS ARE NEITHER INHERENTLY CONTRARY TO THE PUBLIC INTEREST NOR INHERENTLY PROMOTING OF THE PUBLIC INTEREST BUT MUST BE PROPERLY CONDITIONED TO DELIVER PUBLIC BENEFITS.**

The general concept of "abbreviated" dialing is not new. Individual users on corporate networks often have available to them abbreviated dialing alternatives within such networks. Many types of CPE can provide instrument-implemented abbreviated dialing. In comparison to the number of digits involved in international calling requirements, routine domestic dialing itself may be perceived as "abbreviated." Any arrangement that permits calls to be completed with the dialing of a reduced number of digits will constitute a form of abbreviated dialing. However, this does not necessarily render it in the public

interest.

Local calls originating in exchange carrier networks generally involve a seven-digit address. The United States is part of World Zone 1, an area that utilizes the North American Numbering Plan (NANP). The Administrator (NANPA) of the NANP is currently in the process of assessing the future direction of the NANP. A key question being addressed by the NANPA in this respect is whether the ten-digit format provides adequate NANP resources to last well into the next century. One of the tenets proposed by the NANPA for longer term NANP development anticipates that the use of ten-digit dialing will gain universal acceptance. A separate principle is that no part of the ten digits of an NANP number will be assigned for the primary purpose of identifying specific telecommunications entities or carrier networks. The introduction of a three-digit dialing plan such as that contemplated by the NPRM, even one limited to N11 codes, would not coincide with these assumptions.

The NANPA itself cannot determine the outcome of this NPRM; however, it is essential that any action taken by the Commission permit a methodical and cost effective transition to whatever long term plan is eventually accepted. The Commission would disserve the public interest if any decision forced a radical revision in the NANP that leads to customer confusion, or to a deterioration in the customer's ability to use exchange carrier networks. USTA has maintained for some time that an easily

understood and generally uniform numbering plan creates inherent efficiencies and benefits for the users of the domestic public switched network.<sup>4</sup>

There are undoubtedly some positive aspects that can exist with an appropriately developed local abbreviated dialing scheme that utilizes N11 codes, and that assures that any resources temporarily assigned for local use are fully recoverable.

- o A local abbreviated dialing scheme may operate to serve the consumer by facilitating efficient and convenient end user connections to information service providers.
- o An abbreviated dialing scheme may facilitate the growth of an accessible information services market.
- o An abbreviated dialing scheme that provides connections to a wide variety of information service providers may invite greater use of exchange carrier networks, and help contain unit prices for those common carrier services that can be made widely available.
- o A carefully developed abbreviated dialing scheme may increase the value of networks to the carriers who own them.
- o Some forms of abbreviated dialing can assure connections by customers to specific types of carrier network support services, or other applications that benefit the entire calling public, rather than unrelated private commercial interests.
- o Finally, an abbreviated dialing scheme can help spread overall network costs if the relevant cost causers pay for the costs they cause carriers to incur, and also their relevant share of fixed costs.

At the same time, there are other considerations that must be considered in determining whether a particular local abbreviated dialing scheme for information service providers

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<sup>4</sup> See comments of USTA filed August 15, 1986 in Abbreviated Dialing Arrangements and the Application of Premium Access Charges, 2 FCC Rcd 6758 (1987), at 5.

serves the public interest:

- o Are consumers best served by the adoption of a single national rule that mandates only one means for local abbreviated dialing in all areas?
- o Does local three-digit dialing provide a significant net benefit for consumers' connections to information services, over and above current means, that will be sufficient to offset any risk to other policies?
- o Can a local N11 abbreviated dialing scheme be structured to operate as a "gateway" to provide connections to a multitude of diverse information services, or will it be subject to exploitation or monopolization by one or a few providers, an end result that runs counter to longstanding Commission policies?
- o Is it fair or in the public interest that a limited number of providers, particularly providers that already are established as local media of mass communications, should have the privilege of utilizing these N11 resources?
- o Is an abbreviated dialing scheme structured so that consumers are not required automatically either to subscribe to, or to pay for, information connections they do not want?
- o Will the numbering resources in the NANP be consumed, or will they be conserved, in a national context, as a result of action that allows assignment for local use?

Assuming that the Commission determines to move ahead on some rule that promotes local N11-based abbreviated dialing, USTA believes that the public interest is best served by promoting efficient and convenient connection to a broad spectrum of information services provided by a wide array of diverse providers over exchange carrier networks. This does not necessarily require mandated abbreviated dialing, but can be achieved through existing NANP mechanisms.<sup>5</sup>

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<sup>5</sup> These include use of 900 and 976 numbers, described below, and selective use of escape codes that can provide a bridge to information service gateways. While not widely available at this time, "intelligent

A blanket rule that delivers a preference of indeterminate duration should not be presumed to serve the public interest. The promotion of diversity and competition in information services should be a core consideration for the Commission here. An abbreviated dialing scheme should not deliver an enduring competitive advantage to any information service provider. USTA is aware that this NPRM has triggered requests to many exchange carriers that greatly exceed the supply of N11 codes that could be made available under the most optimistic conditions. Most of those requests are not limited to local uses and not all requests are from information service providers, thereby inviting consumption of the few N11 codes in every local area by a small group of interested users. Few seek N11 codes for the local uses that would have less impact on the NANP. This confirms how important it is for the Commission to look much further ahead.

It is the calling public that should be the primary beneficiaries of any action here. That public must be able to expect, with a high degree of confidence, that any action here ultimately will foster information services competition, promote a wide diversity of services and service providers, yet maintain the long term integrity of the NANP that callers anticipate. Some customer confusion is inevitable with any change in the use of N11 codes. The degree and the permanence of change is not yet known. Short term advantage cannot be allowed to prejudice or

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network" capability also can expand the number of information service providers to whom consumers can be connected.

erode long term public benefits.

The NANP exists to facilitate calling in a convenient fashion without unnecessary cost or complication for callers. Any action taken here must not interfere with the long-term development of the NANP and the activities undertaken by the NANPA to assure those NANP characteristics remain constructive and responsive to market needs, and facilitate calling by the greater majority of callers. If the Commission cannot assure these various ends, a rule should not be adopted.

**III. THE NPRM DOES NOT RECOGNIZE AND TAKE INTO ACCOUNT ESSENTIAL ASPECTS OF THE INFORMATION SERVICES MARKET, THE STRUCTURE OF THE NANP AND THE NATURE OF EXCHANGE CARRIER NETWORKS.**

The NPRM relies upon some implied assumptions concerning exchange carrier networks and the use of numbers in telecommunications. It assumes, erroneously, that there is a need that is not capable of being addressed within the NANP today, that all exchange carriers can provide what the NPRM would mandate, and that those carriers would be able to provide it at little or no cost. In addition, its factual predicates are erroneous in some significant respects. This section addresses a number of issues that are not fully or accurately reflected in the NPRM.

**A. Information Service Providers Already Proliferate in a Fully Competitive Market.**

The Commission itself has recognized that the information

services market as a whole is highly competitive and efficient.<sup>6</sup> This is not a recent or transitory phenomenon. Action on this NPRM will not have any significant positive impact on the competitiveness of the information services marketplace.

**B. More than 16 Million Numbers Already Are Available to Information Service Providers in the United States.**

The NPRM assumes that the provision of local (or other) N11-based three-digit abbreviated dialing for information services is sufficiently in the public interest that it must be mandated in every local area.<sup>7</sup> At the same time, the Commission recognizes that it is likely that the demand for three-digit numbers will exceed the supply and that there will be a scarcity problem.<sup>8</sup>

It is apparent that a three-digit N11 dialing framework cannot support today's information services industry, even on a local basis, in most communities. An analogy in the interexchange marketplace confirms this. When interexchange carrier equal access alternatives were developed, one of the

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<sup>6</sup> See, e.g., Commission Reply Comments as Amicus Curiae, U.S. v. Western Electric, et.al., Civ. No. 82-0192, filed May 22, 1987, at 5.

<sup>7</sup> See proposed rule at §64.1401(a) and (b).

<sup>8</sup> NPRM at ¶16. As discussed above, the recent speculative demand for N11 codes already exceeds the supply. (USTA itself has been the recipient of a request for some N11 code uniformity. In 1987, a group of Yellow Cab companies sought USTA support for assignment of an N11 code for uniform taxi N11 numbering to benefit individuals who had emergent needs. USTA declined, and referred the request to NANP and standards processes.)

options for reaching a carrier was the use of carrier identification codes (CICs). Such CICs were two-digits in length at the time the first access tariffs were approved (and were unconstrained by any N11-type limitation on quantity.) They quickly had to be expanded to three-digits, individually assigned for Feature Group B and Feature Group D. Now, it has become necessary to plan for exhaust of three-digit Feature Group B CICs in early 1993. The attempt to capture the universe of connection options with CICs requires constant attention and network modification. The alternatives constantly must be reevaluated. For Feature Group B CICs, even three, fully unconstrained digits have proved inadequate.

The current numbering plan already can accommodate the full range of information services providers, in at least two structural formats. The first, the 900 service format, allows nationwide connection to any information service provider through a service access code in which translation of the NXX prefix dictates the carrier to whom a call is routed, and that carrier then completes the call. The available 900 service combinations can produce  $N \times 10^6$  combinations in the format 900-NXX-XXXX, in effect delivering 8 million numbering combinations.<sup>9</sup>

The other format is prevalent on the local level, and is capable of reuse in every NPA. This format is known as the 976

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<sup>9</sup> See NPRM at ¶6.



format, or 976-XXXX.<sup>10</sup> Unlike the three-digit format N11, which can produce at most 8 numbers in a local area, the 976 format produces nearly 8 million numbers over and above the 900 numbers identified above. Each 976 prefix can be used to create 10<sup>4</sup> numbers and each of those 976 numbers can be used in each of the 792 combined current and anticipated future NPAs. Unlike an N11 code, a 976 number generally can be obtained today without unusual cost, can be "unified" over multiple service areas by an astute information service provider, already fits within an established addressing framework, and does not present any risk of any single customer tying up potential numbering resources beyond what it actually needs.

Combining the available numbering options for each of these two formats provides a total of about 16 million currently-available numbering resources for information service providers. To the extent that customers also use other NANP formats, such as local numbers or 800 numbers, for information (or any other) services, that total is even greater. 900 and 976 resources are not currently in short supply, and they can accommodate all of today's diverse and robust competitive market participants without any advantage or discrimination affecting any of them.

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<sup>10</sup> In some NPAs, additional codes are available, e.g., 950-XXXX or 936-XXXX.

**C.    The Application of An Information Services Provider for  
A N11 Code May Serve its Private Profit-Maximizing  
Interests But Presents No Issue of Need.**

As shown above, there is no public interest need to expand the range of information service provider or other connections through N11 codes to relieve any shortage of other avenues to the end user. N11 codes, then, are not "essential" facilities for connection to information (or any other) services.

It was apparent from the correspondence to the Commission on the BellSouth petition that the request by Cox Enterprises for an N11 number for information services was "novel" (though the use is not.)<sup>11</sup> The matter is one solely of convenience, not one where the resource is essential to make a service available to consumers.

Unfortunately, the correspondence related to the BellSouth petition also confirms the existence of motivations that are inimical to the public interest, in that the purpose for seeking an N11 code by Cox was related directly to its attempt to limit competition.<sup>12</sup>

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<sup>11</sup> Letter of Ron Stowe, Pacific Telesis, to Chairman Alfred Sikes, dated March 26, 1992.

<sup>12</sup> See Information Industry Bulletin, March 12, 1992 at 5-6, quoted in Letter from David J. Markey, BellSouth, to Chairman Alfred Sikes, dated April 10, 1992. The Bulletin indicates that Cox specifically sought an option that required little or no investment but used the special characteristics of N11 codes to eliminate competition. It can safely be assumed that other recent speculative applicants have similar motivations if they do not plan imminent use of a code as a private

An obvious alternative is to seek use of the 16 million existing numbers first, and limit use of N11 codes by anyone for private purposes not related to basic service. Thus, the Commission could achieve substantially all of the public interests identified in the NPRM in a fairly simple manner. Any local carrier that elects to enter an information services business could be constrained to using only the available 900 or 976 formats for information services, while limiting the N11 uses to those that are integral to their basic network business. BellSouth, for example, had disavowed any use of 411 for its provision of information services, thereby eliminating any suggestion that it would use the 411 directory assistance number for information services while competitors could not use a similar code.

A simple and obvious alternative for the Commission in this regard is to confirm its already-extant determination that traditional 411 service is basic exchange service rather than an enhanced or information service,<sup>13</sup> and to use that basic rationale to require conformance for all N11 use unless and until the NANPA determines that any N11 code should be available or used for other purposes.

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"escape code" to a "gateway"-type arrangement.

<sup>13</sup> Amendment of Section 64.702 (Computer II), 77 FCC 2d 384, 421 (1980); NATA Petition for Declaratory Ruling Regarding Integration of Centrex, Enhanced Services and CPE 101 FCC 2d 349, 360 (1985), recon. 3 FCC Rcd 4385 (1988).

Another alternative is to require that N11 code use for information services must provide connection, not to a single provider, but to a menu or other bridge that leads to many such providers. In effect, a "window" or "gateway" would be created by which an end user consumer could choose which provider it desired to utilize. However, as stated above, intelligent network capability is not sufficiently prevalent in exchange carrier networks at this time to permit widespread network-based arrangements.

**D. Unlike the NPRM, the NANP Carefully Distinguishes N11 Codes From NPA Codes.**

In the environment of the NANP, certain combinations of digits have unique significance. The Commission appears to have concluded in the NPRM that there is no significant difference for its purposes between the three-digit codes that the NANP treats as NPA codes, and the three-digit codes that the NANP treats as N11 codes.<sup>14</sup> This is not the case, however. There is a wide gulf in the NANP-defined purposes of these two sets of three-digit codes. The N11 codes have taken on unique significance in the NANP. NPA codes identify geographic areas in the NANP. NPA codes are restricted to exclude N11 codes.

The structure of N11 codes is unique. These codes provide the only three-digit dialing sequence that causes automatic call processing without delay in switches that can accommodate it.

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<sup>14</sup> See NPRM at ¶4.

N11 codes and switches are not structured to be used with a longer address (e.g., N11-XXXX) at this time.

Service codes have as their purpose the provision of various special functions. These functions are set out in the most recent issue of BOC Notes on the LEC Networks - 1990 (Notes), as well as in the LATA Switching Systems Generic Requirements (LSSGR).<sup>15</sup> While a number of these N11 codes remain unassigned, they are kept available by the NANPA for future assignment.

It is unclear if the NPRM's currently proposed use was within the contemplation of the NANPA when the Notes document was published. This presents a question that can only be answered by NANPA in conjunction with the Commission. NANPA opposed the assignment of N11 codes, even for local use, prior to the filing of the BellSouth petition because of the real potential for NANP recall.<sup>16</sup> It has articulated that resort to N11 codes is one of the available options to be called into play should an NPA shortage occur before 1995, because of the dearth of other alternatives. Until then, the NANPA indicated that assignment for local use would be possible from its limited perspective, if the use can be discontinued on short notice.

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<sup>15</sup> See Notes, at Numbering Plan and Dialing Procedures, SR-TSV.002275 Issue 1, March 1991 at 3.2.4, and LSSGR, Technical Reference TR-NWT-000505, Issue 3, May, 1991 at 5.3.3.1.

<sup>16</sup> Letter of Ronald R. Connors, NANPA, to E.W. Stevens, BellSouth, dated January 6, 1992, at 1-2.

N11 codes also have a special connotation in the eyes of customers. They currently perceive the N11 codes as stable.<sup>17</sup> Commission action that changes these perceptions is certain to cause customer confusion.<sup>18</sup> All of this suggests any use other than a local temporary use would lead to larger long-term concerns.

**E. N11 Connections Are Not Available From Many Exchange Carriers.**

The NPRM makes certain blanket statements about the availability of N11 codes that have proved to be incorrect on investigation.<sup>19</sup> The Commission assumes that only "minor modifications" are required to carrier switches to process N11 calls.<sup>20</sup> While use of N11 for local use may be the least difficult option for local abbreviated dialing that is available today, it is apparent to USTA that N11 connections in the manner contemplated by the NPRM cannot be made available by every

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<sup>17</sup> Other networks have drawn upon this customer expectation in developing their own N11 calling arrangements. Cellular networks use 611, 711 and 811 for local connection to their service centers. Teleport uses 811 for local connection to its service center. These uses further contribute to an expectation in the eyes of consumers.

<sup>18</sup> Although the Commission may avoid some initial customer confusion if it is careful in defining an N11 abbreviated dialing framework, more customer confusion is inevitable in the long run as the instability of market forces causes some change in N11 code users and thus conflicts with customer expectations of N11 stability. NPRM at ¶18.

<sup>19</sup> NPRM at ¶8.

<sup>20</sup> NPRM at ¶10.

exchange carrier. For example:

1. Some exchange carriers require the use of certain N11 codes to make necessary equal access connections to serve interexchange carriers, particularly in situations where they must configure business office and other support for widely dispersed exchanges. The only low cost option for these exchange carriers to avoid the multiple routing of business-related customer calls is to use N11 codes locally. Such calls cannot be rerouted to alternative means of customer connection to the exchange carrier without significant cost.<sup>21</sup>
2. Some exchange carriers cannot accommodate N11 connections because of limitations in the technical parameters of their switches. (N11 dialing as proposed by the Commission also will demand that many carriers offer translation to a non-dialable number for routing.) With respect to the switches themselves, many currently-deployed switches are incapable of being modified or changed. Step-by-step switches of some manufacturers, for example, do not make available the

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Nor should they be required to do so. A core consideration in the oversight of any regulated carrier must be the maintenance of cost-effective connections for network customers to their network carrier to assure adequate service. The Commission places at risk its service quality objectives by removing avenues for easy communication by customers to their carrier about their service.

three-digit sequence N11, because the N may not be available. They cannot be modified without significant cost for carriers, as modifications would be major.

3. Some LECs use more N11 codes for local network-related activities to support basic service than the Commission contemplates.<sup>22</sup> These include uses such as test access, repair service and business office contact. These should not be eliminated absent imminent NPA exhaust, because of the cost and other impacts on customers.

4. Change to accommodate N11 in a switch must be accompanied by other changes to support the new use. Switches do not record N11 codes for billing purposes. An entirely new framework for call recording would become necessary. In the end, for this and for the other changes required, there will be substantial call processing overheads that result and that must be applied to literally every call attempt.

**F. Customers Obtain No Proprietary Rights in Numbers as Against the Carrier or NANPA, and Take Them Subject to Change as the Conduct of the Telephone Business Requires.**

The NPRM anticipates that numbers will "acquire some value and that the holders of such codes may wish to sell or transfer

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<sup>22</sup> NPRM at ¶8.



their numbers to others."<sup>23</sup> The NPRM then goes on to seek comment on whether "numbers should be treated in this regard in the same manner as other telephone numbers." These statements evidence a potentially contradictory view of the role of property and contract law in numbering.

Numbers are not "owned" by customers.<sup>24</sup> Numbers exist for carriers to facilitate customer use of their networks. The NANP itself exists to accommodate users of common carrier networks in World Zone 1. Other numbering schemes can coexist with the NANP, provided there is no numbering ambiguity in dialing and in routing calls. NANP numbers with geographic significance are not yet portable among users or among networks, and they are tied to the NANP framework. Typically, an exchange carrier's tariff provides explicitly that the customer has no proprietary right in any telephone number, and the carrier reserves the right to change the number as the business may require.<sup>25</sup>

As a result of the current numbering convention, numbers cannot become the property of customers. If this were to occur,

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<sup>23</sup> NPRM at ¶15.

<sup>24</sup> First Central Service Corp. v. Mtn. Bell, 623 P.2d 1023 (N.M. App. 1981).

<sup>25</sup> M.R. Glass v. N.Y. Telephone, 264 NYS 2d 160 (1965); Freedom Finance v. N.Y. Telephone, 285 NYS 2d 163 (1967); Slenderella Systems v. Pacific Tel. & Tel., 286 F.2d 488 (2d Cir. 1961).